Le Roux Mathews du Plessis
Attorneys

Our Ref: **CHARL DU PLESSIS/CDP622** Your Ref: Date: 20/01/2021

WITHOUT PREJUDICE

ZEHIR OMAR ATTORNEYS

BY EMAIL: yasminomar@vodamail.co.za

AND TO: HURTER SPIES ATTORNEYS

BY EMAIL: deloff@hurterspies.co.za; danielle@hurterspies.co.za

AND TO: LINK SERV (PTY) LTD

BY EMAIL: jacques@linkserv.co.za; riaan@linkserv.co.za**;** admin@linkserv.co.za

Dear Sir / Madam

RE: IMPACT NOW (PTY) LTD // DEAR SA NPC

We act on behalf of Impact Now (Pty) Ltd who have instructed us as set out below.

1. Dear SA NPC has three Directors:

ESTABLISHED: 2 JANUARY 1956
1 De La Rey Street, Alberante Extension, Alberton
Tel: (011) 869-0885 **Fax**: (011) 869-6175
Cell: 082-456-9595 **Email** lm.d@mweb.co.za
Chris Rudolph du Plessis DIP PROC B IUR NDA (Labour) DIP (Human Rights)(Cell 082 456 959
Professional Assistant: Charl Riaan du Plessis B. Proc, Post Graduate Diploma in Human Rights,
Certificate in Health & Safety Management (Cum Laude)
Cell: 082-852-3505 **Email** charl@litigationsa.com

1.1 Mr Nicolaas Edward Blom and Ms Sandra Dickson, represented by Zehir Omar attorneys.

1.2 Mr Robert Norman Hutchinson, represented by Hurter Spies attorneys.

2. Our client rendered call centre services to Dear SA NPC, but has not been paid recently, which indebtedness to our client exceeds R590 000.00 (five hundred and ninety thousand rand)(subject to final reconciliations to be done). It was our client's services to Dear SA NPC, that made it possible for Dear SA NPC to process the debit orders payable to Dear SA NPC.

3. Mr Blom and Ms Dickson, deny that an agreement was concluded between our client and Dear SA NPC, alleging that it was concluded between Mr Hutchinson and our client.

4. Our client insists that an agreement was concluded with Dear SA NPC, represented by one of its Directors, Mr Hutchinson, and that Dear SA NPC remains liable to our client for the agreed call centre services rendered to Dear SA NPC.

5. Our client is aware of the urgent application Mr Hutchinson brought against Mr Blom, Ms Dickson and Firstrand Bank Limited to unfreeze the bank account of Dear SA NPC, but that the application was unsuccessful and that the disputes between the Directors do not seem to have been resolved.

6. Our client understands that Mr Hutchinson is the sole director of Dear SA **(Pty) Ltd** and that he has indicated a willingness to conclude new agreements with our client in that entity, or another elected by him, for the future rendering by our client of the call centre services.

7. Against the background of the aforesaid, our client requests your respective clients' consideration that the dispute between our client and Dear SA NPC be resolved on the following basis:

7.1 All three directors of Dear SA NPC consent and resolve in writing that:

7.1.1 Mr Hutchinson is authorised to transfer all debit orders and/or mandates levied from donors *via* Link Serve to Dear SA **(Pty) Ltd** or any other company elected by him, the details of which will be provided to the remaining Directors for their consent.

7.1.2 Mr Hutchinson is authorised to cede all the mandates of all existing donors of Dear SA **NPC** to Dear SA **(Pty) Ltd**, or another company elected by him, subject to the same proviso in paragraph 7.1.1 above.

7.2 All necessary steps are taken by the three Directors of Dear SA NPC to give effect to 7.1.1 and 7.1.2 above including but not limited to the changing of the debit order mandates and any additional requirements of Link Serve or any other service provider.

7.3 Upon compliance and fulfilment of the aforesaid **and** a written agreement on the same terms or substantially similar conditions being signed between our client and Dear SA (Pty) Ltd or the company elected by Mr Hutchinson, our client accepts that Dear SA NPC is not liable to our client and our client will exercise its recourse against Dear SA **(Pty) Ltd** and/or Mr Hutchinson or the new company elected by him.

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7.4 The aforesaid to be reduced to writing with the normal applicable general provisions to be included therein such as that each party pay their own legal costs, the settlement agreement may be made an order of court by any party and it is in full and final settlement of all claims between the parties, *inter alia*.

8 We thank you for your consideration of our client's without prejudice settlement proposals and our client kindly waits to hear from your clients in regard hereto by no later than close of business on **27 January 2021**.

Yours faithfully

(Sgd) *C R DU PLESSIS*

C.R. DU PLESSIS

LE ROUX, MATHEWS & DU PLESSIS

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